

**AMENDMENT TO AGREEMENT  
FOR CONSULTATION AND OTHER SERVICES**

**DRAFT**

This Amendment is entered into this \_\_\_\_ day of \_\_\_\_\_, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Korve Engineering (hereafter referred to as "CONSULTANT").

**RECITALS**

WHEREAS, the parties entered into an Agreement for professional Engineering services for Great Mall and Tasman / I880 Capacity Improvements project, (Project No. 4178), on October 25, 2001; and

WHEREAS, the parties entered into an agreement ammendment to allow CONSULTANT to provide additional professional engineering services including revision to the project plans to accommodate the VTA work within the project area since the 95% plans were submitted and the preparation of a PSR/PR report for submittal to Caltrans for Great Mall and Tasman/I880 Capacity Improvements Project.

WHEREAS, the parties desire to amend the Agreement to allow the CONSULTANT to provide additional professional engineering services including redesign of the southbound off ramp, additional coordination with Caltrans for permit issuance, and services during bidding and construction.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The first sentence in Subsection 1.1, entitled "Term of Services" is amended to read:

The term of this Agreement shall begin on the date first noted above and shall end on June 1, 2005.

2. Section 1, entitled "Services" is amended by adding Exhibit "A-2", which is attached hereto and incorporated by reference herein.
3. Section 2, entitled " Compensation " is amended to add Exhibit "A-2", which is attached hereto and incorporated by reference herein. Section 2 is further amended by adding the following to the end of the Section:

The compensation for the services set forth in Exhibit "A-2" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in Exhibit "A-1" shall be \$27,195.00 as outlined in Exhibit B-2, "Fee Estimate".

4. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated October 25, 2001, between Korve Engineering and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.

5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

\_\_\_\_\_  
City Engineer as to content

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Attorney as to Form

ATTESTED BY: .

\_\_\_\_\_  
City Clerk

20 January 2005

Julie Waldron  
City of Milpitas, Engineering Division  
455 E. Calaveras Blvd.  
Milpitas, CA 95035

Project: CIP 4178 – Great Mall Parkway / I-880 Capacity Improvements

Subject: Request for Additional Budget

Julie:

As you are aware, we have submitted bid documents for the Great Mall Parkway / I-880 Capacity Improvement Project and have obtained Caltrans approval through the encroachment permit process. During the course of finalizing the documents and obtaining final approvals, we have performed tasks outside our contract scope of work. These additional tasks were performed with verbal and written direction from the City with the primary objective of finalizing the bid documents and obtaining the Caltrans encroachment permit to allow construction to be completed within the project funding deadlines.

Each of the tasks below is identified as being outside the contract scope of work. As many of these tasks have been completed, the fee estimates represent actual expenditures to complete these tasks. In addition, as the project is entering the construction phase, we have also included in this revised scope a fee estimate to provide services during construction.

#### **Task C.1.0 – Redesign of Southbound I-880 Off-Ramp**

The original design of the southbound I-880 off-ramp included widening of the ramp pavement to allow a 340-foot left turn lane from the southbound ramp to eastbound Tasman Drive. The adjacent VTA contract to construct the braided ramp from SR237 to southbound I-880 obtained a change order to eliminate retaining walls adjacent to the ramp and to grade the slope of the off-ramp after completion of the 100% design documents in early 2004. In response, the left turn lane for the City project was redesigned and shortened to 225 feet, using design information from the VTA change order. However, after the construction work was performed by the VTA contractor, it appeared that an additional amount of grading was performed at the ramp embankment.

The Korve team performed an additional field survey at this location, per City direction, to obtain as-built topographic information of the newly constructed edge of pavement and modified slope. It was determined that the embankment fill was graded different from what was anticipated in the original design change. The limit of ramp widening was again modified by Korve and the length of the lane truncated to provide a left turn lane of approximately 200 feet, with a shorter bay taper.

A California Corporation

With offices in:

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Oakland, CA 94612  
510-763-2929  
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San Jose  
San Bernardino  
Salt Lake City

The additional cost incurred to perform the work reflected in Task C.1.0, including field survey, is \$9,865.

### **Task C.2.0 – Additional Caltrans Coordination**

Our original scope of work included submittal of the Caltrans *encroachment permit* application, and also included plan modifications from the review.

The encroachment permit application was submitted to Caltrans in June 2004, with comments received in August 2004. Multiple iterations of submittal and review were necessary due to inaction by Caltrans, including the misplacement of the signal drawings from the original June application and the receipt of new comments with subsequent submittals. Subsequent submittals were made in September, early November and late November.

The additional cost incurred to perform the work reflected in Task C.2.0 is \$4,440.

### **Task C.3.0 – Division of the State Architect (DSA) Coordination**

Approval of an exception to pedestrian accessibility standards directly from the Division of the State Architect (DSA) was not anticipated in the original scope of work.

Comments received from Caltrans in August 2004 from the encroachment permit application of June 2004 requested verification of the existing northbound I-880 loop on-ramp grades adjacent to the pedestrian crossing to ensure compliance with accessibility standards. Upon review of the issue, the cross slope of the existing ramp at the pedestrian crossing is within the pedestrian accessibility standards. However the profile grade of the ramp, or the cross slope of the pedestrian route, is 4.5% which exceeds the maximum 2% allowed for an accessible route. Therefore, an exception to Caltrans Design Information Bulletin 82 (DIB 82), a design guide for Federal and State pedestrian accessibility requirements for highway projects, was required although the modifications only involved crosswalk striping on the existing pavement.

An exception document to the Federal and State accessibility standards with exhibits was prepared and sent to Caltrans Project Development for concurrence and approval under the guidelines of DIB 82. However, the interagency agreement between the DSA and Caltrans that allowed Caltrans to categorically approve exceptions to pedestrian facilities on State highways expired on June 30, 2004 and a new agreement had not been reached between the two agencies. Although Caltrans agreed with the rationale of the exception, with expiration of the interagency agreement, Caltrans no longer had the authority to approve these exceptions. Approval of the exception was required to be obtained from DSA directly, with the responsibility of obtaining the exception being placed on the encroachment permit applicant.

Additional work effort to complete this task included the following:

- Two (2) meetings at the DSA;
- Preparation of an exception to accessibility standards documenting the need for the exception;

- Preparation of an additional set of project design plans to submit for DSA approval;
- Preparation of an application for plan review and approval;
- Submittal of DSA application fee;
- Modification of plans based upon DSA comments.

The additional cost incurred to perform the work reflected in Task C.3.0 is \$5,000.

#### **Task C.4.0 – Services During Bidding**

Services performed under this task include the preparation of clarifications to the drawing set for issuing addenda during the bidding process and attendance at a pre-bid conference. Also included is responding to questions during the bidding process in writing to the City.

The additional cost incurred to perform the work reflected in Task C.4.0 is \$1,850.

#### **Task C.5.0 – Services During Construction**

Services performed under this task during the construction phase of the project include review of documents such as RFI's, submittals and shop drawings, and field changes. Also included under this task is attendance at construction-related meetings such as field meetings and the pre-construction meeting. Design changes that arise that require issuance of revised drawings or details is assumed to include minor modifications and clarifications in response to RFI's. An additional fee estimate may be required if major changes to the original design concept occur during construction. Although the preparation of as-built drawings is not included in this scope, Korve will provide a separate fee estimate for as-built drawings if requested by the City.

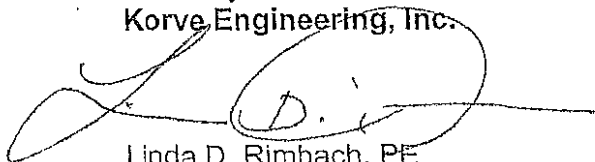
Included in this scope is the review of up to ten (10) RFI's, five (5) submittals, and attendance at two (2) field meetings.

The estimated fee to perform Task C.5.0 is \$6,040.

Please find attached a fee estimate that itemizes the additional cost of each of the items described above. We have identified the total estimated fee for these additional services to be **\$27,195**, as shown in the attached Exhibit B-1.

We appreciate your prompt attention to this matter, and are available to speak with you regarding any questions or concerns you might have.

Sincerely,  
**Korve Engineering, Inc.**



Linda D. Rimbach, PE  
Project Manager

Korve Engineering  
Korve Project: 801110x0

City of Milpitas  
Project # 4178 - Great Mall Parkway / I-880 Capacity Improvements

**Exhibit B-1: Fee Estimate**

Task	Description	Estimated Labor Hours			Total Hours	Total Cost
		Proj Supr	PM/PE	Design/CAD		
	Rates	\$ 140.00	\$ 120.00	\$ 85.00		
C.1.0	Redesign of SB I-880 Off-ramp		32	40	72	\$ 7,240.00
C.2.0	Additional Caltrans Coordination	6	30		36	\$ 4,440.00
C.3.0	DSA Coordination & Plan Approval		36	8	44	\$ 5,000.00
C.4.0	Services During Bidding		14	2	16	\$ 1,850.00
C.5.0	Services During Construction	4	40	8	52	\$ 6,040.00
Total Labor Hours		10	152	58	220	\$ 24,570.00

Subtotal KORVE Labor

Tasks Performed by Subconsultants

Task Description

C.1.0 Perform field topographic survey of as-built SB 880 ramp (Towill, Inc.) \$ 2,500.00  
Subconsultant Handling Cost (5%) \$ 125.00  
TOTAL Subconsultant Cost \$ 2,625.00

**\$ 27,195.00** Grand Total

Exhibit B-2

ENGINEERING/DESIGN & CONSTRUCTION  
455 East Calaveras Blvd.  
MILPITAS, CA 95035

DRAFT

To: Graniterock dba Pavex Construction  
330 Bloomquist Street  
Redwood City, Ca. 94063

Date: February 7, 2005

Project: Great Mall Parkway/I-880 Capacity Improvements

Purchase Order No. C417805

Amount: \$16,804.20

Account No. C4178-7-4237

### Contract Change Order No. 1

You are hereby authorized to proceed with the following work in connection with Great Mall Parkway/ I-880 Capacity Improvements, Project Number 4178.

#### DESCRIPTION

RFQ No. 1

Furnish all labor, material and equipment to perform the work as described below for the total lump sum price of Sixteen thousand eight hundred four and 20/100 (\$16,804.20).

Revised Sheet	Description of Change
L-2 dated 12-7-04	Changed station for relocation of electrolter to avoid conflict with curb ramp.
	Changed top of curb elevation at catch basin
	Clarified use of broom-finished surfaces on sloped pedestrian walkways. This should be covered in the specifications, but was added at the request of DSA.
	Clarified maintaining a minimum 4.0' width on all accessible walkways, at the request of DSA. There should be no cost impact, unless some pole or sign is not shown on the plans.
C-2 dated 12-7-04	Corrected and changed top of curb elevations at curb return.
PD-1 dated 12-7-04	12" white striping for limit line at EB Tasman right turn lane to SB 880
	New RR crossing pavement markings at NB 880 off-ramp for LRT crossing
	Relocate existing sign for RR crossing at 201+75
	Changed sign designation to reference MUTCD w/ CA amendments per Caltrans request.
PD-2 dated 12-7-04	Added pedestrian crossing sign at NB 880 loop on ramp ped crossing
	Clarified existing G8 (County Correctional Facility) two-post sign to remain.
	Changed sign designation to reference MUTCD w/ CA amendments per Caltrans request.
TS-1 dated 12-7-04	Removed bike loops on EB Tasman and associated Note 5.
	Clarified electrical load requirements
	Remove/salvage existing electrical service and replace with new Type III-AF enclosure w/ TOU meter.
	Clarified existence of fiber optic cable along south edge of Tasman.

DRAFT

Revised Sheet	Description of Change
TS-2 dated 12-7-04	Added fiber optic communication cable in conductor schedule as existing.
	Added wiring diagram for revised service enclosure w/ TOU.
	See TS-1, Clarified existing equipment to remain and replacement of Type III-AF service enclosure on service pad detail.
TS-3 dated 12-7-04	Removed bike loops on EB Great Mall Parkway. Eliminate SNS "Tasman Drive".
	Clarified electrical load requirements
	Noted that LED signal heads are State-furnished materials. Should be no-cost, but anticipate minor additional cost if these items are to be paid from the Caltrans permit fee item. Contractor's original signal schedule of values should be reduced for signal heads.
	Remove/salvage existing electrical service and replace with new Type III-AF enclosure w/ TOU meter and new concrete foundation.
	Relocate existing traffic controller cabinet and pull box in front of controller to behind new sidewalk.
	Relocate existing UPS backup system and construct new concrete pad
	Clarification of 4 section head w/ Detail A. This should be no-cost since the Caltrans electrical reviewer said he based his cost for State furnished materials from our signal head mounting schedule which noted mounting for a 4-section head.
	Clarified existence of fiber optic cable along south edge of Great Mall Parkway. Additional cost to pull and re-splice fiber in relocated pull box.
	Relocate existing fiber optic pull box. Previous plans show the existing box as a regular-sized pull box with SIC and DLC only, not the larger one that now exists with fiber also.
	Connect new conduit to existing pull box near new curb ramp. Adjust this box to finished sidewalk grades. It appeared that this box had only fiber and power cable that went across Tasman to camera mounted at NW corner of the intersection.
TS-4 dated 12-7-04	Specified use of 80mph (129km/h) pole for Pole A
	If 20' mast arm is used, signal schedule of values should decrease accordingly.
	Added fiber optic communication cable in conductor schedule as existing.
	Added wiring diagram for revised service enclosure w/ TOU.

**Increase in Contract Time: Zero working days****TOTAL ADD: \$16,804.20**

No claims for additional compensation or damages for delay under any theory whatsoever, submitted by the contractor or any subcontractor, will be allowed by the City for any delay arising from, or associated with this change order. The extension of the time for completion and the compensation specified in this change order shall be the contractor's sole remedy.

This change order constitutes full and complete compensation for all labor, equipment, materials, overhead, extended overhead and profit required to perform the changes described above in accordance with the applicable provisions of the contract documents. This change order is not effective until approved by owner.

Accepted By:

Date

Approved By:

Date

Jim Mitchell  
Project Manager, Pavex Construction

Greg Armendariz  
Acting Assistant City Engineer



City of Milpitas, California

**BUDGET CHANGE FORM**

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:				
<input checked="" type="checkbox"/> Budget Appropriation	311-9514178153999	\$100,000	311-951417814800	\$27,195
	396-2940	\$100,000	311-951417874800	\$72,805
<input type="checkbox"/> Budget Transfer			396-3999	\$100,000

**Explain the reason for the budget change:**

The City Council awarded this Great Mall Parkway and Tasman/I880 Capacity Improvements project to Granite Construction on November 16, 2004, and construction is underway. The completed project will provides an increase in the traffic capacity of the existing Great Mall Parkway/I880 interchange with the following improvements: Widening of the southbound off ramp and adding a third eastbound thru lane on Tasman Drive. The work will include relocation of pedestrian walkways and ramps, relocation of utility appurtenances and associated signal modifications.

Additional revisions are required by Caltrans, resulting in changes to traffic signal pole type location of electrical service, and revisions to the traffic controller and associated conduits and pull boxes. Staff has negotiated a change order for \$16,805.

Korve Engineering has performed additional services as follows; 1) lengthy Caltrans permit process resulting from the closure of the Caltrans San Jose office during the permit review process for this project; 2) changes in Caltran's ability to obtain approval with the Division of State Architecture; 3) recent changes to the VTA contract to construct the 237 ramp to southbound I880 required Korve to redesign the southbound off ramp. Staff has negotiated a scope and fee for these services of \$27,195.

After further investigation of field conditions during construction including other unforeseen additional work, construction staff has determined that additional budget for project management, materials, testing and inspection, and construction contingencies in the amount of \$56,000 are required to complete the project.

Approve an appropriation of \$100,000 from the KB Infrastructure Fund to the Great Mall Parkway and Tasman/I880 Capacity Improvements CP 4178.

☒ Check if City Council Approval required.

Meeting Date: March 1, 2005

Itemization of funds, if needed:			Amount
Requested by:	Division Head:	Date:	
	Department Head:	Date:	2/10/05
Reviewed by:	Finance Director:	Date:	2/18/05
Approved by:	City Manager:	Date:	
Date approved by City Council, if required:		Confirmed by:	